

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re Application of:

Examiner: K. Jolley

Pacetti et al.

Serial No. 10/040,538

Art Unit: 1762

Filed: December 28, 2001

Title: SYSTEM AND METHOD FOR COATING IMPLANTABLE DEVICES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. §§1.97-1.98**

Dear Examiner:

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and pursuant to 37 C.F.R. §§1.97-1.98, Applicants hereby notify the U.S. Patent and Trademark Office of the references listed on the attached Form PTO-1449. Copies of the references were previously identified in an Information Disclosure Statement and/or Office Action directed to related application Serial Number 09/894,293, filed June 27, 2001, and Serial Number 09/844,522, filed April 27, 2001. Accordingly, copies of the references are not included herewith.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants reserve the right to dispute the listed documents as prior art during examination. Furthermore, Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application. The submission of this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other material information may exist.

04/11/2005 BABRAHA1 00000051 071850 10040538  
01 FC:1806 180.00 DA

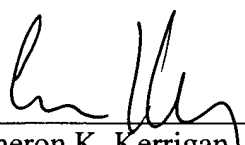
The Examiner is requested to initial the enclosed Form PTO-1449 and return a copy thereof to the undersigned.

The present Supplemental Information Disclosure Statement is being submitted after receiving the first office action but before an action closing prosecution on the merits. Accordingly, please charge Deposit Account No. 07-1850 in the amount of **\$180** as specified in 37 CFR §1.97(c) and 37 CFR §1.17(p). The Commissioner is authorized to charge any deficiencies or other amounts due to Deposit Account No. 07-1850.

Date: April 6, 2005

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San Francisco, CA 94111  
Telephone (415) 954-0200  
Facsimile (415) 393-9887

Respectfully submitted,

  
\_\_\_\_\_  
Cameron K. Kerrigan  
Attorney for Applicants  
Reg. No. 44,826

<b>FORM PTO-1449 (Modified)</b>		US DEPARTMENT OF COMMERCE		Docket No. <b>50623.149</b>	Application No. <b>10/040,538</b>		
<b>INFORMATION DISCLOSURE CITATION</b> <b>in an Application</b> (Use several sheets if necessary)				Applicant <b>Pacetti et al.</b>			
				Filing Date <b>December 28, 2001</b>		Group Art Unit <b>1762</b>	
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initial	Ref. No.	Document Number	Date of Patent	Name	Class	Subclass	Filing Date if Appropriate
	A1	2,072,303	3/2/37	Herrmann et al.			
	A2	3,882,816	5/13/75	Roos et al.			
	A3	4,269,713	5/26/81	Yamashita et al.			
	A4	4,560,374	12/24/85	Hammerslag			
	A5	4,839,055	6/13/89	Ishizaki et al.			
	A6	4,865,879	9/12/89	Finlay			
	A7	4,977,901	12/18/90	Ofstead			
	A8	5,112,457	5/12/92	Marchant			
	A9	5,328,471	7/12/94	Slepian			
	A10	5,455,040	10/3/95	Marchant			
	A11	5,464,650	11/7/95	Berg et al.			
	A12	5,558,900	9/24/96	Fan et al.			
	A13	5,578,073	11/26/96	Haimovich et al.			
	A14	3,995,075	11/30/96	Cernauskas et al.			
	A15	5,605,696	2/25/97	Eury et al.			
	A16	5,628,730	5/13/97	Shapland et al.			
	A17	5,667,767	9/16/97	Greff et al.			
	A18	5,670,558	9/23/97	Onishi et al.			
	A19	5,700,286	12/23/97	Tartaglia et al.			
	A20	5,716,981	2/10/98	Hunter et al.			
	A21	5,800,392	9/1/98	Racchini			
	A22	5,824,049	10/20/98	Ragheb et al.			
	A23	5,830,178	11/3/98	Jones et al.			
	A24	5,837,313	11/17/98	Ding et al.			
	A25	5,851,508	12/22/98	Greff et al.			
	A26	5,858,746	1/12/99	Hubbell et al.			
	A27	5,865,814	2/2/99	Tuch			

	A28	5,873,904	2/23/99	Ragheb et al.				
	A29	5,891,507	4/6/99	Swaminathan				
	A30	5,971,954	10/26/99	Conway et al.				
	A31	5,980,928	11/9/99	Terry				
	A32	5,980,972	11/9/99	Ding				
	A33	6,010,530	1/4/00	Goicoechea				
	A34	6,015,541	1/18/00	Greff et al.				
	A35	6,030,371	2/29/00	Pursley				
	A36	6,042,875	3/28/00	Ding et al.				
	A37	6,051,648	4/18/00	Rhee et al.				
	A38	6,056,993	5/2/00	Leidner et al.				
	A39	6,060,451	5/9/00	DiMaio et al.				
	A40	6,080,488	6/27/00	Hostettler et al.				
	A41	6,096,070	8/1/00	Ragheb et al.				
	A42	6,099,562	8/8/00	Ding et al.				
	A43	6,110,188	8/29/00	Narciso, Jr.				
	A44	6,113,629	9/5/00	Ken				
	A45	6,120,536	9/19/00	Ding et al.				
	A46	6,120,904	9/19/00	Hostettler et al.				
	A47	6,121,027	9/19/00	Clapper et al.				
	A48	6,129,761	10/10/00	Hubbell				
	A49	6,156,373	12/5/00	Zhong et al.				
	A50	6,165,212	12/26/00	Dereume et al.				
	A51	6,306,176	10/23/01	Whitbourne				
	A52	6,358,567	3/19/02	Pham et al.				
	A53	6,364,903	4/2/02	Tseng et al.				
	A54	6,368,658	4/9/02	Schwarz et al.				
	A55	6,503,954	1/7/03	Bhat et al.				
	A56	6,534,112	3/18/03	Bouchier et al.				
	A57	6,555,157	4/29/03	Hossainy				
FOREIGN PATENT DOCUMENTS								
Examiner Initial	Ref. No.	Document Number	Date of Publication	Country	Class	Subclass	Translation	
							Yes	No
	B1	EP 0 665 023	8/2/95	EPO				

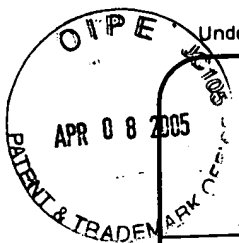
	B2	EP 0 970 711	1/12/00	EPO			
	B3	WO 91/12846	9/5/91	PCT			
	B4	WO 97/45105	12/4/97	PCT			
	B5	WO 99/63981	12/16/99	PCT			
	B6	WO 00/02599	1/20/00	PCT			
	B7	WO 00/12147	3/9/00	PCT			
	B8	WO 00/64506	4/21/00	PCT			
	B9	WO 01/01890	6/6/00	PCT			
	B10	WO 01/45763	6/28/01	PCT			

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages etc.)

	C1	Barath et al., <i>Low Dose of Antitumor Agents Prevents Smooth Muscle Cell Proliferation After Endothelial Injury</i> ; JACC Vol. 13, No. 2; February 1989:252A (Abstract)
	C2	Dichek et al., <i>Seeding of Intravascular Stents With Genetically Engineered Endothelial Cells</i> , Circulation 1989; 1347-1353.
	C3	Forester et al., <i>A Paradigm for Restenosis Based on Cell Biology: Clues for the Development of New Preventive Therapies</i> ; J. Am. Coll. Cardio. 1991; 17:758-769.
	C4	Matsumaru et al.; <i>Emboic Materials for Endovascular Treatment of Cerebral Lesions</i> ; J. Biomatter Sci. Polymer Edn., Vol. 8, No. 7 (1997) pp. 555-569.
	C5	Miyasaki et al., <i>Antitumor Effect of Implanted Ethylene-Vinyl Alcohol Copolymer Matrices Containing Anticancer Agents on Ehrlich Ascites Carcinoma and P388 Leukemia in Mice</i> ; Chem. Pharm. Bull. 33(6) (1985) pp. 2490-2498.
	C6	Miyazawa et al., <i>Effects of Pemirolast and Tranilast on Intimal Thickening After Arterial Injury in the Rat</i> ; J. Cardiovasc. Pharmacol. (1997) pp. 157-162.
	C7	Ohsawa et al., <i>Preventive Effects of an Antiallergic Drug, Pemirolast Potassium, on Restenosis After Percutaneous Transluminal Coronary Angioplasty</i> ; American Heart Journal (1998) pp. 1081-1087
	C8	Shigeno, <i>Prevention of Cerebrovascular Spasm by Bosentan, Novel Endothelin Receptor</i> ; Chemical Abstract 125:212307 (1996).

EXAMINER

DATE CONSIDERED



# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

## Complete if Known

Application Number 10/040,538

Filing Date December 28, 2001

First Named Inventor Stephen D. Pacetti

Examiner Name K. Jolley

Art Unit 1762

Attorney Docket No. 50623.149

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
Order

☒ Deposit Account:

Deposit  
Account  
Number

07-1850

Deposit  
Account  
Name

Squire, Sanders & Dempsey L.L.P.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) or any underpayment of fee(s)  
☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	300	2001	150	Utility filing fee	
1002	200	2002	100	Design filing fee	
1003	200	2003	100	Plant filing fee	
1004	300	2004	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	
SUBTOTAL (1)					(\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid
				X		
Independent Claims	-32 **			X		
Multiple Dependent	-3 **			X		

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	50	2202	25	Claims in excess of 20	
1201	200	2201	100	Independent claims in excess of 3	
1203	360	2203	180	Multiple dependent claim, if not paid	
1204	200	2204	100	** Reissue independent claims over original patent	
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1814	130	2814	65	Terminal Disclaimer	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00

## SUBMITTED BY

Name (Print/Type)

Cameron K. Kerrigan

Registration No. (Attorney/Agent)

44,826

Telephone

(415) 954-0200

Signature

Date

April 6, 2005

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APR 08 2005

**FEE TRANSMITTAL  
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 180.00**Complete if Known**

Application Number 10/040,538

Filing Date December 28, 2001

First Named Inventor Stephen D. Pacetti

Examiner Name K. Jolley

Art Unit 1762

Attorney Docket No. 50623.149

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None Order☒ Deposit Account:Deposit  
Account  
Number

07-1850

Deposit  
Account  
Name

Squire, Sanders &amp; Dempsey L.L.P.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
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1001	300	2001	150	Utility filing fee	
1002	200	2002	100	Design filing fee	
1003	200	2003	100	Plant filing fee	
1004	300	2004	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	

**SUBTOTAL (1)**

(\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
32 **	=	0	=
Independent Claims	3 **	=	=
Multiple Dependent	X	=	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
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**SUBTOTAL (2)**

(\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
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1814	130	2814	65	Terminal Disclaimer	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$) 180.00

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)

Cameron K. Kerrigan

Registration No. (Attorney/Agent)

44,826

Telephone

(415) 954-0200

Signature

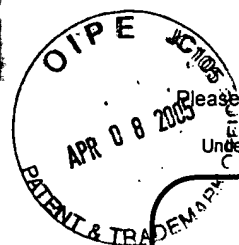
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April 6, 2005

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17628820w

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/040,538
Filing Date	December 28, 2001
First Named Inventor	Stephen D. Pacetti
Group Art Unit	1762
Examiner Name	K. Jolley
Attorney Docket Number	50623.149

Total Number of Pages in This Submission  
(excluding references)

10

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Deposit Account 07-1850 Authorization	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Postage Paid Return Postcard	<input type="checkbox"/> Formal Drawings	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Response to Office Action ( pages)	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Amendment Transmittal Letter page) (in duplicate)	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Petition for Extension of Time ( months) ( page) (in duplicate)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Information Disclosure Statement (2 pages) (in duplicate) with Form PTO-1449 (3 pages) citing _75_ References	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> CD, Number of CD(s) _____	

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Squire, Sanders & Dempsey, L.L.P. Cameron K. Kerrigan, Reg. No. 44,826
Signature	
Date	April 6, 2005

### CERTIFICATE OF MAILING

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